GALLAWAY & KEATING.

Ferms of Subscription, Daily & Weekly is entitled to, therefore, he will receive, and such self-confessed plotters and intriguers as DAILY One copy, one month, by mail
the copy, one year, by mail.
One copy, six mouths, by mail
one copy, one week, in city.
One copy, one month, in city. Chandler cannot increase or diminish aught against General Gordon and other southern WEEKLY:

Hates of Advertising.

To Contributors and Correspondents.

: : JANUARY 1, 1878.

For Mayor,

JOHN JOHNSON.

phis, and whose patronage and friendship plot by which the people of three States were has been worth something to this city. Dur- robbed of their privileges, the nation robbed ing the past three weeks we have received of its sovereignty, and the Presidency of the many letters from old and new subscribers greatest and most enlightened republic that who trade with Memphis, and they uniformly ever existed converted into stolen property.

speak the same voice, cordially approving | And now this man rises with the solemnity the course of the Appeal in standing by the of a persecuted martyr to claim sympathy, Democratic party, which has liberated the because he has been cut off from that share south from misrule and despotism, and in in the proceeds of the robbery which he conopposing the pampered and over-fed office- siders his due. He does not merely admit seeker who, to secure pap and place, would the fact of the theft, but goes on to call spe- by a blow, the law will presume the killing disorganize the Democratic party and form | cial attention to his own eminence among an alliance with Radicalism. But we are the thieves by way of commending himself happy to inform our correspondent "Missis- more warmly as a candidate for the sympasippi," that no attempt has been made to thy of those whom he has robbed! We naugurate the threatened war upon the AP- | have seen many manifestations of effrontery. PEAL. We have been punished to the Some phenomena of pure cheek have before amount of ten dollars per annum for dar- now been exhibited to us. We have beheld ing to stand by the Democratic party spectacles of utter msensibility to shame, enand for exercising the liberties of a free and tire oblivion to decency and even complete unshackled journalist, and with this damage | numbress to the stings of remorse, but this war has subsided. Men now begin to performance of Bill Chandler out climaxes repon the contest for mayor dispassion- all the climacteries of human depravity we ted by evidence in the case showing either There are good men-true Democrats- ever heard of. 'Special privileges -were perity of the city. There is a vast difference votes of Louisiana and Florida, and similar the slayer for taking the life, either to save of opinion as to which is the better policy. | facilities were given to one Bill Chandler to Judge Flippin was nominated and elected suborn periory and commit other patriotic

mayor of Memphis by the Democratic party. mit his claims and an indersement of his ad- sion of a conspirator or a highwayman who and about the middle of November a call | State's evidence to further the ends of juswas made for a Democratic mass-meeting to tice, this stupefying document is put forth as appoint an executive committee to conduct an argument to snow that the Republican the canvass. And be it remembered that this party ought to carry New Hampshire in the call was made by Mayor Flippin's friends- approaching election, in order to prolong the that the mass-meeting which was held on the era of such crime and the evidence of such first of December was convened by the call | criminals, the temper of the thing is someof men, the majority of whom were the thing incomprehensible. At all events, inavowed friends of John R. Flippin. The comprehensible to men who, languishing in mass meeting was held in obedi- the barbarism that prevails outside of New ence to party law. Everything was England, still hug the superstition that it is party, and by the same men who had partic- honest to compound felony. We pause, ap-

ted in the two former conventions that palled at the inadequacy of the vernacular to and made Flippin the Democratic standard | cover the case." bearer. Two years ago, when Flippin was nominated mayor, the mass-convention that THE JULY RIOTS. appointed an executive committee selected

nine members for Flippin and two for John-

son; but the friends of Johnson did not make

racy of Shelby county should not be disrupt-

tion should be maintained when administer-

is bartering and triding with the Radicals.

organization. The APPEAL has no pecuniary

day's APPEAL. This blast from the bugle of

Chandler will do much toward rallying the

active and ablest of the Republican leaders.

His foresight and sagacity have heretofore

ow remains to be seen what impression his

bott for bolting. But when Flippin

of December last had selected an executive Strikers. committee not suited to the fastidious taste of the political spoiled child, he fell down, kicked up his heels, rolled over in the dirt his report of the labor discommenced breaking his toys, and stabbing the party that had kept the sucking-bottle of by the Pennsylvania railroad officials and that a conflict had ensued when empt was made to run them, he started ived a telegram from the sheriff of resign, and thereby give place to the friends cheny county that a mob existed in Pittsburg and were stopping railroad trains. It the primary elections between all the ittsburg had been promptly suppresse factory to the spoiled child, who was pouting and crying for his sugar-plums, and the teat was directed to aid the civil authorities with the troops under his command. July 30th, which he had so long been sucking, and he having received a dispatch from General announced himself an independent candi- Pearson that a strong force would be neces date against the nominee of the party whose organization he respects when it subserves general immediately left for Pittsburg. But two hundred and sixty out of one thousand his aspirations, but repudiates when it fails men in the Pittsburg division of the Nationa to continue him in office. Flippin's deser- Guards had reported for duty, and, as mattion of his party has been shameful; it is ters were getting worse, four other divisions were ordered under arms. Upon his arrival scandalous; it is disgraceful. His apostacy he was astorished to find that public senti is deliberate; it is wanton; it is premeditated. ment was in accord and sympathy with the We are of those who believe that the Democ-

teport of the Adjutant-General

Pennsylvania, Showing the Uni-

versal Sympathy of the Peo-

ple and Press with the

strikers. This sentiment was surprisingly and was almost unanimously by the newspapers of Pittsburg. cenary, who seems to think that its organizaeither discouraged the action of the State authorities, or so far countenanced those who were obstructing travel as to warrant them. ing to the greed of John R. Flippin, but to be selfish purposes. The treachery of Flippin eved their cause to be just and proper. General Pearson, in response to the inquiries, said he disrupts the Democratic party of Memphis, had confidence in his strength, and showed and, of course, Shelby county, and when his plan of operations. Of its execution the those Democrats who support him see that he djutant-general knew nothing till after the nclusion of the affair. The rioters num-red ten thousand, and fired the first shots. ians, and not a single officer of the city or county co-operated with the military. Gen-eral Pearson, having left General Butler in and at the round-house, said that he could not go back; that he was a marked man. General Latta considered General Pearson at an end, and instructed him to procure other arters. General Pearson subsequently of fered to do my duty that might be demand

it is to the interest of the country, and espeed of him, but was instructed that when cially of Memphis, to stand by the Demohe would be sent for. This, virtually, relieved Pearson from command. Much criticism has been passed on Pearson cratic party, which has been the friend and liberator of the southern people; and we shall, therefore, support the Democratic or- for his action in this matter, but after he left the round-house I don't see how he could have done etherwise. His mistake was in during their term of service is de-WILLIAM E. CHANDLER ON HAYES tailed, and the adjutant-general desires to The letter of William E. Chandler, to the share whatever responsibility attaches to the Republicans of New Hampshire, has created troops. He is unwilling to pass the budget or a profound sensation throughout the country. fix the responsibility for the conflict between it is published in both the Democratic and It is published in both the Democratic and Republican newspapers at the north, and as it will be read with the same interest by the southern people we publish it in full in to- | mands engaged. The report recommends

Radical clans, as the writer is one of the most | and vigor. TELEGRAPHIC SUMMARY.

the organization of a national guard and its

quipment in uniform, and compliments the

saved his party in great emergencies, and it Five steamers sailed for Europe yesterday pr will have upon his party. It is certainwith full cargoes. most defiant unfolding of "the bloodyshirt," and we would not be surprised to see under its folds. It indicates that the Ra-publicans, during the next few weeks, will of the board. either force Hayes into the Democratic party, friends left Cincinnati last night for Washington, to attend the silver wedding of Mr. and Mrs. Payes, which takes place on New Year's eve. whose policy he has already adopted, or back into extreme Radicalism. In making these

J. & J. Simpson's fancy goods store, in New charges against Hayes, Chandler accomplishes
nothing but his own conviction as a rebel and
nothing but his own conviction as a rebel and
the United States of the United States o traitor to the constitution of the United States, and an arch-plotter against the largest dry goods importing houses in Montreal, failed yesterday. Liabilities, three hundred thousand dollars. Seveny-five cents on the dollar will be the world did not need Chandler's confession

to be convinced that he occupies an usurped seat, therefore he is not specially injured by Chandler's disclosures. That Hayes did favor the bloody-shirt policy, has always been an ultra Radical, did utter a mass of hypocrifical track about the poor African, etc., in the statement: Loan decrease, \$590,300; specie increase, \$2,447,800; legal-tenders decrease, \$767,000; deposits increase, \$2,590,300; creutation increase, \$268,900; reserve increase, \$968,475.

Judge Clayton, of Chester, Pennsylvania, has decided that Representative Bullard is not privileged from arrest. Bullard claimed that when arrested for emberging the fund of the Building association in was in his way to Harrisbury to attend

pudiated policy of Grantism when he took possession of the Presidential chair; so he To the Jury in the Coc-Beach Case, very reluctantly made a virtue of necessity. Upon which the Verdiet Acquitting withdrew the troops, and left the south at the Defendant of Murder was peace. -Whatever credit or discredit Hayes Based.

of the same. As far as the charges made

leaders of being implicated in the fraudu-

JUDGE LOGWOOD'S CHARGE

State of Tennessee us, Levin H. Coe. GENTLEMEN OF THE JURY-This is an in ful killing, by any person of sound memory and discretion, of any reasonable creature in being, and under the peace of the State, with malice aforethought, either express or im-

lent count are concerned, they are simply 1 25 nothing. All they amount to is that these plied. Murder in the first degree is the willful,ungentlemen, after the electoral commission lawful and felonious killing of a reasonable creature in being, and under the peace of the and been established, foreseeing the result of State, by means of poison, lying in wait, or any other kind of killing that is perpetrated that commission, and that Chandler's conpiracy was sure to succeed, only endeavored willfully, deliberately, maliciously and with premeditation; or a murder committed in the perpetration of, or the attempt to perpetrate, any arson, rane, robbers, hardary or less other person shot and killed states as should look to the manner in which they are less of to make the most of it, and worked to secure the best possible terms for their much-abused section. In this they simply did their duty, and will meet with the approval of their constituents. But Mr. Chandler greatly mis-

stituents. But Mr. Chandler greatly mistakes if he thinks that Hayes withdrew the troops from the Statehouses of Louisiana and South Carolina from any desire to keep faith or carry out pledges—if any such were made.

South Carolina from any desire to keep faith or carry out pledges—if any such were made. or carry out pledges—if any such were made.

He was forced to withdraw the troops by the like aforethought And with premeditation; that is, a design must be formed to kill better as to put the life of Beach in danger, or to put him in danger of great bodily harm then under such a state of facts. universal demand of the people. At the time that he did it hardly a Republican in the list performed. to put him in danger of such a state of facts, the statements of witnesses, it is your duty to the accused should not be held responsible or reconcile such conflict, if you can do so continue to put him in danger of the statements of witnesses, it is your duty to the accused should not be held responsible or reconcile such conflict, if you can do so continue to put him in danger of the people. The distinctive characteristic of murder in liable for the act of such other person in kill-sistently with truth and justice. land, with the exception of Ben Wade, dared

the first degree is premeditation, and premeditation involves a previously-formed
design to take human life, but such design to raise his voice against it; and there was a general rejoicing throughout the country that the dark and filthy nightmay be conceived and deliberately formed in to bring on, or in the making of such nonan instant of time. mare of carpetbagism was lifted from

appear to forget this; but the people do not and with malice aforethought, either express or implied. forget it, and the effort to reclothe the Republi-Malice aforethought is an essential element can party in the cast-off ordures of the bloody of murder in the second degree; yet a jury is shirt will not only bring it to utter ruin, but not to infer malice because the proof shows that the person committing the killing acted will make its very memory a stench forever with deadly intent, for such intent may exist in cases of justifiable or excusable homicide, in the nostrils of the American people." The Washington Past thus closes a long review or in cases of voluntary manslaughter. Malice is a wicked or mischievous

of Chandler's letter: 'This is perhaps the most wonderful exhibition ever made by any man of supposed sanity. Here is a person to do an act which is wrongful, without just ate and from a friend and patron of Mem- who was among the arch-counselors in the cause or excuse; it is a wanton disregard of the rights of others. Express malice is when a particular intention is evinced to kill a paralar individual; implied malice is when, in the heat of blood, such violence is used as shows a heart regardless of all social duty own intentional and wrongful act, to bring and South and Central America and Mexico. and fatally bent on mischief. Malice aforethought is malice previously and deliberately entertained. Voluntary manslaughter is the unlawful

killing of another without malice, either express or implied, upon adequate legal provocation; for example, if a person slay another was upon adequate legal provocation, so as to reduce the crime to voluntary manslaughter, the jury being satisfied that the killing was without malice. Involuntary manslaughter is the killing of nother without malice, either express or imlied, but while engaged in the commission

f some unlawful act on the part of the slayer.

or in the doing of a lawful act in an unlaw-When the proof shows that a homicide was committed with a deadly weapon, the law presumes that it was done with malice, and this presumption will stand until it is rebutprovocation, or by evidence that the killing him; that, thereupon, the accused aband to his person at the hands of the person slain.

The punishment for murder in the first degree is death by hanging; but if the jury,

finding a verdict of guilty of murder in the first degree, state in their verdict that they find mitigating circumstances, the court trying the case has the power, at his discretion to commute the punishment from death by legree is imprisonment in the penitentiary for a term of not less than ten nor more than

ter is imprisonment in the penitentiary for a term of not less than two nor more than ten slaughter is imprisonment in the peniten-tiary for a term of not less than one year nor more than five years; but, should the jury tryntary manslaughter, and be of the opin-

then inquire what motive prompted him in

upon the guilt or innocence of the accused, your minds should be guided alone by the evidence in the case, and when you are satisfied of the existence of facts established by the evidence, you should apply the law to dusion as to the guilt or innocence of the ac-

tary manslaughter, you should acquit him of that likewise, and then inquire if he is guilty of involuntary manslaughter. Should you convict the accused of any de gree of crime under this indictment, you hould state in your verdict what offense you

find him guilty of.

Should you find the accused guilty of murder in the first degree, and consider he should suffer death by hanging, you will merely return a verdict of guilty of murder in the first degree; but should you find him agree to find mitigating circumstances, you should state that in your verdict also. Should you find him guilty of murder the second degree, or of voluntary or involstate in your verdict the degree of homicid of which you find him guilty, but you should

also state what you consider the punishment An assault is the attempt to strike or beat another in an angry or unlawful manner, without touching him. It is the unlawful setting upon one's person. A battery is the unlawful striking or beating of another. The least touching of another's person willfully or in anger is a bat-

to a person, nor any language used to, or in ner related to another, however violent or insulting such words or language may be, will, under the law, justify or excuse the committing of an assault, or assault and battery, or taking of human life. minds beyond a reasonable doubt that the accused assaulted and killed Myron M. Beach, in this county, before the finding of this indictment, with a pistol, as charged; that the killing was done without adequate legal fine should be fifty dollars, or under that ovocation, but done willfully, feloniously, deliberately, maliciously, and with premeditation, it would be your duty to find a verdict

second degree.
It is claimed, on behalf of the State, that the defendant took the life of the deceased by means of lying in wait. To constitute a lyingwerner's staff for promptness, efficiency in-wait, there must be a waiting and watching, a secrecy, for the purpose, thereby, of nitting the act which produces the death, and for the purpose of taking life, and the blow which causes the death must be given in pursuance of the object and aim which

prompted the watching, waiting and secrecy. If the proof shows that the accused, either alone, or in conjunction with others, secretly Ten frame residences were destroyed by fire in St. Johns. New Brunswick, resterday. Loss, forty thousand dollars. ance of such watching, waiting and secre cy, either the defendant, or others acting in concert with him, for such purpose, gave the fatal shot which caused the death of Beach, the crime would be murder in the first egree. The fact of lying in wait is of itself idence of a malicious, willful, deliberate and premeditated purpose. If the proof shows that the killing was of

ich a nature and character that, under ordinary circumstances, it would be murder in George Winks & Co., one of the oldest and the second degree-that is, if it was done willfully, and with malice aforethought, either express or implied—and the fact of lying in wait is proven to exist in the case, the fact of the existence of such lying-in-wait will make it a case of murder in the first degree.

If the proof shows that there was no lying-in-wait; that the accused made the attack upon the deceased with the intention of chastising him, by assaulting and beating him, but not to take his life or do him great bodity harm, and a conflict ensued between him and Beach, both fighting willingly, in which the accused intentionally shot and killed the willfully, and with malice aforethought, ei-

deceased; and it, during such a contest, the accused shot and killed decased in the heat of blood, and not with malice aforethought, he would be guilty of voluntary manslaughter; but if, under such a state of facts, the accused entertained malice in his heart at the moment of time he fixed the shot, then the killing would be murder in the second deciare it in your verdict, and to also affix such punishment, under the law, as gree; and if there more also deliberation and gree; and if there were also deliberation and | you consider the law and the evidence in the litation, the offense would be murder case warrants you in imposing. On the othin the first degree. And in arriving at a conclusion as to whether the accused committed the killing with malice, or with deliberated the killing with malice, or with deliberated the law and the evidence, whether he has ted the killing with malice, or with delibera-tion and premeditation, you can look to the mode and manner of making the attack, the weapon with which the killing was done, the time and place, and all the circumstances which the evidence has developed in the

If the proof shows that the accused made an assault and battery upon Beach, and a conflict ensued between them; that such associated as a should look to the manner in which each witness acts and gives testimony on the witness. danger of great bodily narm; that during the constitute a hour perpendicular of great bodily narm; that during the constitute a hour perpendicular of great bodily narm; that during the constitute a hour perpendicular of great bodily narm; that during the constitute of the constitut To constitute a killing murder in the first of the accused; that there was no community gence and general bearing of the witnesses

m instant of time.

Murder in the second degree is the unlawthen the accused would be guilty of murder the whole of the testimony of such witness, the politics of the country. Mr. ful killing of a reasonable creature in being. Chandler, and Mr. Conkling, and Mr. Blaine. and under the peace of the State, willfully, If the proof shows that the accused made | witness are supported and corroborated b and committed an assault, or assault and battery, upon the accused, and thereby a conflict ensued between them; that during the conflict Beach so conducted himself as to make it reasonably to appear to the defendance only such portions of such testimony as you may consider to be so corroborated ant that it was necessary to take the life of Beach in order to save his own life, or to protect himself from the danger of great bodily harm; that at the moment of time said danger so appeared to him to exist, he shot and killed Beach, then, under such a state of facts, the defendant would not be excused under the law for the taking of the life of Beach, unless the proof also shows that after commencing the conflict the accused, in good faith, abandoned the con-

> about the necessity for taking the life of his antagonist, and then excuse him for acting under such necessity; and if the accused brought about such apparent necessity to take life, and, acting under it, took the life of Beach, without having, in good faith, abandoned the conflict before he fired the fatal shot, he would be guilty of murder or manslaughter, as the proof under the law may show which has been committed. Great bodily harm is the maiming or dismembering a person, or such punishment as puts his life in great and useless peril.
>
> It is claimed under the proof, in behalf of the accused, that if he took the life of M. M. Beach at all he did so in self-defense. The grounds relied upon in support of this plea is, that although the accused made an assault upon Beach—that is, he commenced the conflict, but did not begin or pursue it in such a manner as to reasonably instife.

doubt that both countries would realize from such a manner as to reasonably justify Beach in the belief that his life was endangered thereby, or be in imminent danger of great bodily harm—that Beach exceeded the bounds of the the belief that the belief that the search exceeded the bounds only feady but anxious to pay his half of the cost of the desired service; and our government is fortunate in having near it as his it a handsome pecuniary profit. That model sovereign Dom Pedro II, it appears, is not ment is fortunate in having near it as h that the killing resulted from sudden passion of law by making a defense and resistance has made himself so unusually acceptable as a courteous and genial neighbor and friend, that we feel like claiming him as a citizen of upon him in such a manner as was more than sufficient to repel the attack, and thereby put the life of the accused in immediate or he in imminent danger of great bodily harm at the hands of Beach; that under such our own country. Moreover, the emperor last visit, which afforded everybody so much oleasure, could receive no happier recogn circumstances the accused had a right to take tion than a ready acquiescence on the part of congress in his proposition for the speedy re-establishment of direct communication bethe life of Beach in self-defense. To constitute self-defense, the proof must show that the slayer was without blame, and the belief or apprehension of danger on his part must be founded on sufficient grounds

or circumstances as would cause a person of ordinary intellect, judgment and bravery to reasonable entertain the honest belief that a deadly purpose exists to take his as the best tonic, invigorator and purifier of life, or to do him some great bodily harm, and that such purpose will, at that time, be put into execution. In addition to this, the slayer must honestly entertain the fear that street, St. Louis, Mo. such purpose to take life or do great bodily harm was about to be executed at the moment of time he commits the act which causes the death, for the defense will not avail if the fear of danger is feigned or pretended on the part of the slayer. ion that the offense merits a less punisument than imprisonment in the penitentiary for one year, they can fix the punishment at confinement in the county jail for any period of time ment in the county jail for any period of time cause Beach to believe his life was in danger, or he in danger of receiving at that time the county jail for any period of time cause Beach to believe his life was in danger, or he in danger of receiving at that time

great bodily harm therefrom, the deceased had the right to use such force and resistance whole of the evidence in this case, and in-quire therefrom whether Myron M. Beech as to repel the attack, even unto the taking of was killed in this county before the finding of the life of his assailant, and if (there being this indictment, and whether the accused no lying in wait), under such circumstances, committed the killing; and if the proof shows | the defendant took the life of Beach, without that he did so commit the killing, you should then inquire what motive prompted him in the conflict and retreated, the killing would the commission of the act.

In your endeavors to arrive at a just con
be murder in the second degree, if the jury are satisfied beyond a reasonable doubt that lusion as to the existence of any fact bearing | it was done with malice aforethought, either expressed or implied; and if it was done with If the proof shows that the accused made such facts and endeavor to arrive at a con- an assault and battery upon the deceased

with no intention to take his life, or to do him great bodily harm, and the attack was not of If you are not satisfied, beyond a reasonable doubt that the accused is guilty of murder in the first degree, you should acquit him of that degree of homicide, and inquire if he that degree of homicide, and inquire if he is guilty of murder in the second degree; and | ensued between them; that thereafter the acif you are not satisfied beyond such a doubt that he is guilty of murder in the second degree, you should acquit him of that also, and then inquire if he is guilty of voluntary manslaughter; and if you are not satisfied beyond a reasonable doubt that he is guilty of voluntary mansuch a manner and under such circumstances as would make it reasonably to appear to him that his life was in danger of being immediately taken, or he in imminent of time; that there was no other means by which he could avoid such impending danger than by taking the life of Beach; that at the noment of time such danger so appeared to Beach, then, under such a state of facts, the killing would be in self-defense. But the accused would not be excusable for the assault and battery he had made upon Beach before he so abandoned the conflict. In such case the jury should be well satisfied that the accused did, in fact and in good faith, so abandon the conflict, so as to make it reasonably to appear to his adversary that he had done so, before they would be justified in finding that the accused was excusable in taking the life. And in such case, also, if the accused

had so abandoned the conflict, and theredanger by Beach, any other person who was not in concert or conspiracy to make the assault on Beach had the right to slay Beach, t it was necessary to do so to save the life of the accused, if there were no other means at hand by which the killing of the accused could be averted.

If the proof shows that the accused made an assault, or assault and battery merely, and was not responsible in any manner nor amenable to the law for the killing of Beach; that Beach did not come to his death from the blows given or wounds inflicted by the accused in the making of such assault and battery, or in the conflict, then, under such a state of facts, you should convict the accused If the law and the evidence satisfies your of an assault, or assault and battery, as the amount, you will merely return a verdict of guilty of assault, or assault and battery, and the court will fix the fine or fine and punish-

of guilty of murder in the first degree, but if it was done without deliberation and premeditation; but willfully, unlawfully, and with malice aforethought, either express or with malice aforethought, either express or the accused has been duly considered, an until exists in the mind, which premind that when, after all the evidence for and against the proposition of the guilt of the accused has been duly considered, an until exists in the mind, which precertainty still exists in the mind, which pre-vents it from being fully and completely satisfied that the accused is guilty. It is not such a doubt as may arise upon a technical quibble, nor upon a point or fact which is immaterial to the issue of guilty or not guilty, but it is a valid, subsisting and conscientious eling that the law and the evidence have failed to place the mind in such a state an condition that it rests calmly and in perfect confidence in the honest conviction that the accused is guilty. If, from all the evidence taken together, and taken in connection with the law given you by the court, you are honestly, fairly and impartially convinced that the accused is guilty, you should convict him of such degree of crime as you may consider he is guilty of; but, if you are not so con-vinced of guilt, you should acquit. You should not convict the accused unless you are each so well convinced of his guilt that you would be willing to venture to act upon the conviction in any matter of the highest im-

portance to your own interests—that is, where the existence of facts, touching such interests, depend upon proof.

If, upon a full review of the law and the evidence, you have a reasonable doubt whether each and all of the ingredients ex-ENRY W. SMITH | THOS. GAFF | JAS. W. GAFF ist in the case which are necessary to contute the crime of murder in the first deg HENRY W. SMITH & CO., you should give the accused the benefit of the doubt and acquit him of that degree of homicade, and you should apply the same rule and test to the law and the facts when you are considering and deliberating upon his guilt or innocence of any other degree of RE-DISTILLERS OF BOURBON &

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